

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ERICA PAGAN, as mother and natural guardian of J.M.,

Plaintiff,

– *against* –

CITY OF NEW YORK, Police Officer Thomas Collazo
Shield No. 20910, Police Officer Justin Lopez Shield No.
20398, NYPD Officers JOHN and JANE DOE 1 through
10, *and* all defendants individually and in their official
capacities,

Defendants.

ORDER

23-cv-9436 (ER)

Ramos, D.J.:

On September 26, 2024, the Court granted the motion of the Irwin Law Firm to withdraw as counsel for Erica Pagan. Doc. 24. In the same order, the Court also directed Ms. Pagan to obtain new counsel by October 26 because a non-attorney parent cannot bring a *pro se* action on behalf of a minor child. *Id.*; *see also Cheung v. Youth Orchestra Foundation of Buffalo, Inc.*, 906 F.2d 59, 61 (2d Cir. 1990). On October 30, the Defendants filed a motion to dismiss noting that there was no indication on the docket that Ms. Pagan had obtained new counsel. Doc. 25. On October 31, the Court again directed Ms. Pagan to have counsel enter an appearance by November 29, and specifically warned that the failure to do so would result in dismissal. *Id.* The Irwin Law Firm was also directed to serve her with a copy of the order, Doc. 25, and provide proof of service on the docket. *Id.* On November 22, the Irwin Law Firm filed an affidavit stating that it had served Ms. Pagan with the Court’s October 31 Order by regular and certified mail on November 4, 2024. Doc. 27.

Ms. Pagan was given considerable time to obtain an attorney and was warned that if she did not obtain counsel the Court would dismiss the action. Ms. Pagan has not

obtained such counsel despite the Court's warnings. Accordingly, this action is dismissed without prejudice. The Clerk of Court is to enter judgment dismissing the action.

It is SO ORDERED.

Dated: December 4, 2024
New York, New York



Edgardo Ramos, U.S.D.J.